



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,287	12/09/2003	Masaharu Suzuki	024629-00009	2614
4372	7590	05/01/2007		
ARENT FOX PLLC 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER GODBOLD, DOUGLAS	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/730,287

Applicant(s)

SUZUKI ET AL.

Examiner

Douglas C. Godbold

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1 and 2 is/are allowed.
- 6) ☐ Claim(s) 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20040331 20050419</u>   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is in response to application 10/730,287 filed December 9, 2003. Claims 1-3 are pending in the application and have been examined.

### ***Priority***

2. This application claims priority to Japanese application 2002-360352 filed December 12, 2002. This priority date has been considered in this action.

### ***Information Disclosure Statement***

3. The Information Disclosure Statements filed February 11, 2003 and July 27, 2006 have been considered in the office action, however translations for the two Katysuya Mimuro NPL references were not provided, so these references were not considered.

### ***Specification***

#### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.

Art Unit: 2626

- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.

Art Unit: 2626

- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

4. The abstract of the disclosure is objected to because it is more than one paragraph and contains references numerals. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities: There is no summary of invention. The examiner suggests that the sections "problems to be solved", "means for solving the problem", and "effect of the invention" be combined to form the summary of invention.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 3 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 3 attempts to claim an information-processing program. This however can be interpreted as mere computer code, which is unpatentable under 35 U.S.C. 101. Therefore claim 3 is rejected under 35 U.S.C. 101.

### ***Allowable Subject Matter***

7. Claims 1 and 2 are allowed.

8. Consider claim 1, the closest prior art of record is Carlgren et al. (US Patent 5,099,426). Carlgren teaches an information-processing apparatus comprising:  
an input unit that inputs text data (figure 1, step 20, scan input text);

a text-data-memory unit that stores said text data (inherent if a computer is used);

a word-cutting unit that executes a word-cutting process on said text data (step 22 make vocabulary list of all words in text);

a syntax-analysis unit that performs a syntax-analysis process on said text data on which said word-cutting process was performed (step 26, look up lemma of each text word in morphology dictionary);

a thesaurus-creation unit that creates thesauruses from said text data on which said syntax-analysis process was performed (step 22 make vocabulary list, step 28 and missing lemmas to vocabulary list);

a thesaurus-memory unit that stores said thesauruses created by said thesaurus-creation unit (inherent if implemented on a computer);

a thesaurus-sorting unit that performs a sorting process on said text data on which said word-cutting and said syntax-analysis were performed (step 34, make word number to lemma number list relating linguistic variants to their lemma);

a sorting-results-memory unit that stores the sorting results from said thesaurus-sorting unit (inherent if implemented on a computer);

a frequency-of-appearance-calculation unit that calculates the frequency of appearance for each thesaurus based on said sorting results stored by said sorting-results-memory unit (step 32 make high frequency word pointer lists... the frequency must be counted to make this list.);

a frequency-of-appearance-memory unit that stores the results calculated by said frequency-of appearance-calculation unit (inherent if implemented on a computer);

wherein said word-cutting unit and said syntax-analysis unit perform said word-cutting process and said syntax-analysis process again based on said thesauruses created by said thesaurus-creation unit (steps 36-44)

but does not specifically teach:

a correlation-coefficient-calculation unit that calculates correlation coefficients between thesauruses;

a correlation-coefficient-memory unit that stores the correlation coefficients between thesauruses that were calculated by said correlation-coefficient-calculation unit;

a correlation-coefficient-total-calculation unit for each thesaurus that calculates the total of the correlation coefficients for each thesaurus;

a correlation-coefficient-total-memory unit for each thesaurus that stores the total of the correlation coefficients for each thesaurus calculated by the correlation-coefficient-total-calculation unit for each thesaurus; and

a graph-creation-display unit that creates and displays a graph based on the frequency of appearance stored by the frequency-of-appearance-memory unit and

the correlation-coefficient totals for each thesaurus stored by the correlation-coefficient-total-memory unit for each thesaurus; and



wherein said word-cutting unit and said syntax-analysis unit perform said word-cutting process and said syntax-analysis process again based on said thesauruses created by said thesaurus-creation unit.

Carlgren does suggest creating a cross-reference table to link clusters of words, but does not teach calculating a correlation coefficient. Nunkao (US APA 2002/0052730) teaches comparing text passages based on topics, but again no correlation coefficient is calculated. Furthermore, none of the prior art or the combination of art of record does not teach: a graph creation display unit that creates and displays a graph based on the frequency of appearance memory unit and the correlation coefficient totals for each thesaurus stored by the correlation coefficient total memory unit for each thesaurus. Therefore the subject matter of claim 1 is allowable.

9. Claim 2 is allowable as it contains similar limitations to claim 1.

Claim 3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action.

### ***Conclusion***

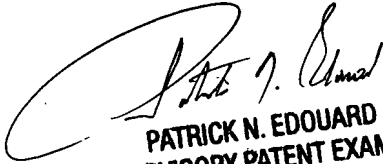
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas C. Godbold whose telephone number is (571) 270-1451. The examiner can normally be reached on Monday-Thursday 7:00am-4:30pm Friday 7:00am-3:30pm.

Art Unit: 2626

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCG



PATRICK N. EDOUARD  
SUPERVISORY PATENT EXAMINER